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Practitioner's Docket No. 99049-1/815-008-3-1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_  
Inventor(s)

for \_\_\_\_\_  
Title of invention

the specification of which is being transmitted herewith

**OR**

In re application of: Chan

Application No.: 10 / 730,850

Group No.: 1744

Filed: December 9, 2003

Examiner:

For: MODULAR ELECTRIC TOOTHBRUSHES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT**

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

☒ with sufficient postage as first class mail.

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**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date: 10/19/06

*Janet Hames*  
Signature

Janet Hames

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

(1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

(2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

(3) Before the mailing date of a first Office action on the merits; or

(4) Before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114."

37 C.F.R. § 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

"A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability." 37 C.F.R. § 1.56(b)

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application; and

(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(d).

### List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections  
and number pages consecutively)

1. ☒ Preliminary Statements
2. ☐ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications

- 6. ☒ Copies of Listed Information Items Accompanying This Statement
- 7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
- 8. ☐ Translation(s) of Non-English Language Documents
- 9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
- 10. ☒ Identification of Person(s) Making This Information Disclosure Statement

*(complete the following, if appropriate)*

Sections \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information."  
Notice of April 20, 1992 (1138 O.G. 37-41, 37).

## **Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. § 1.97(h)), or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

## Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. § 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include:  
"A legible copy of:

- (i) Each U.S. patent application publication and U.S. and foreign patent;
- (ii) Each publication or that portion which caused it to be listed;
- (iii) For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and
- (iv) All other information or that portion which caused it to be listed; . . . "

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

*(complete the following, if applicable)*

- ☒ Exception(s) to above:
- ☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
  - ☐ Cumulative patents or publications identified in Section 5.

Copies of U.S. patents and published applications are no longer required pursuant to the Official Gazette Notice dated August 5, 2003.

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this statement is

*(check each applicable item)*

- (a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

- ☐ supplied by the inventor(s).  
☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))  
☒ in the practitioner's file.

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**SIGNATURE OF PRACTITIONER**

K. Bradford Adolphson

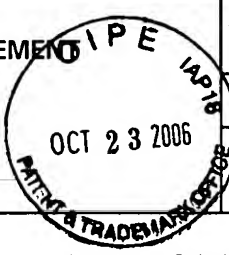
Ware, Fressola, Van der Sluys & Adolphson LLP

\_\_\_\_\_  
*(type or print name of practitioner)*

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\_\_\_\_\_  
P.O. Address

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\_\_\_\_\_

| <b>FORM PTO-1449</b><br><b>INFORMATION DISCLOSURE STATEMENT</b>                   |  |                    | <b>ATTY DOCKET NO.</b><br>99049-1/815-008-3-1 |                   | <b>SERIAL NO.</b><br>10/730,850 |          |                               |
|---|--|--------------------|---|-------------------|---------------------------------|----------|-------------------------------|
|  |  |                    |   |                   |                                 |          |                               |
| <b>APPLICANTS:</b> Chan   |  |                    |   |                   |                                 |          |                               |
| <b>FILING DATE:</b><br>December 9, 2003   |  |                    |   |                   | <b>ART UNIT:</b> 1744           |          |                               |
| <b>UNITED STATES PATENT DOCUMENTS</b>   |  |                    |   |                   |                                 |          |                               |
| EXAM.<br>INITIAL  |  | DOCUMENT<br>NUMBER | DATE  | INVENTOR/ASSIGNEE | CLASS                           | SUBCLASS | FILING DATE IF<br>APPROPRIATE |
|   |  | 4,081,876          | 04/1978                                       | Pugh              |                                 |          |                               |
|   |  | 5,046,213          | 09/1991                                       | Curtis et al.     |                                 |          |                               |
|   |  | D330,286           | 10/1992                                       | Curtis et al.     |                                 |          |                               |
|   |  | 5,335,389          | 08/1994                                       | Curtis et al.     |                                 |          |                               |
|   |  | 5,392,483          | 02/1995                                       | Heinzelman et al. |                                 |          |                               |
|   |  | 5,446,940          | 09/1995                                       | Curtis et al.     |                                 |          |                               |
|   |  | 5,383,242          | 01/1995                                       | Bigler et al.     |                                 |          |                               |
|   |  | 5,524,312          | 06/1996                                       | Tan et al.        |                                 |          |                               |
|   |  | 5,404,608          | 04/1995                                       | Hommann           |                                 |          |                               |
|   |  | 5,465,444          | 11/1995                                       | Bigler et al.     |                                 |          |                               |
|   |  | 6,006,394          | 12/1999                                       | Bredall et al.    |                                 |          |                               |
|   |  | D434,563           | 12/2000                                       | Lim et al.        |                                 |          |                               |
| <b>FOREIGN PATENT DOCUMENTS</b>   |  |                    |   |                   |                                 |          |                               |
|   |  | DOCUMENT<br>NUMBER | DATE  | COUNTRY           | CLASS                           | SUBCLASS | TRANSLATION<br>YES/NO         |
|   |  | 99/23910           | 05/1999                                       | WO                |                                 |          |                               |
|   |  | 01/29128           | 04/2001                                       | WO                |                                 |          |                               |
|   |  |                    |   |                   |                                 |          |                               |
|   |  |                    |   |                   |                                 |          |                               |
|   |  |                    |   |                   |                                 |          |                               |
|   |  |                    |   |                   |                                 |          |                               |
|   |  |                    |   |                   |                                 |          |                               |
|   |  |                    |   |                   |                                 |          |                               |
|   |  |                    |   |                   |                                 |          |                               |
| <b>Examiner (To be assigned)</b>  |  |                    |   | <b>Date:</b>      |                                 |          |                               |